

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

DAVID DE MEDICIS, on behalf of himself  
and all others similarly situated,

Plaintiff,

v.

ALLY BANK and ALLY FINANCIAL INC.,

Defendants.

Case No. 21-cv-6799

ORAL ARGUMENT REQUESTED

**NOTICE OF DEFENDANTS' MOTION TO DISMISS THE COMPLAINT**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss, and upon the accompanying Declaration of Christian Hall, Defendants Ally Bank and Ally Financial Inc. ("Defendants") will move this Court, before the Honorable Nelson S. Román, on December 9, 2021, at the Hon. Charles L. Brieant Jr. Federal Building and United States Courthouse, 300 Quarropas St., White Plains, New York 10601, pursuant to the Court's September 24, 2021 Order (ECF 15), for an Order dismissing the Complaint (ECF 1) in the above-referenced action in its entirety and with prejudice, in accordance with Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, and for such other and further relief as the Court deems appropriate.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's September 24, 2021 Order (ECF 15), Defendants will serve their moving papers on October 25, 2021, Plaintiff shall serve any opposition to this motion no later than November 24, 2021, Defendants shall serve any reply in support of this motion no later than December 9, 2021, and the parties shall file their respective papers on December 9, 2021.

PLEASE TAKE FURTHER NOTICE that Defendants respectfully request oral argument in

connection with this motion to dismiss.

Dated: October 25, 2021  
New York, New York

**SIMPSON THACHER & BARTLETT LLP**

By: /s/ Brooke E. Cucinella

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